

PATENT



ATTORNEY DOCKET NO. WAPH.002.04US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

MAR 08 2002

TECH CENTER 1600/2900

In re application of: Indu Parikh *et al*

) Examiner:

Serial No.: 10/029,551

) Art Unit: 1632

Filed: December 20, 2001

) INFORMATION DISCLOSURE

For: TREATMENT FOR DIABETES

) STATEMENT TRANSMITTAL

)

BOX DD

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is:

[X] An Information Disclosure Statement.

[X] A PTO-1449.

[X] Copies of references A1-A2, C1, D2-4, D6, D9, D12, D14, D19, D25-26, D30-34, D36, D39 and D41 as listed on the PTO-1449.

[] An International Search Report.

[X] Return postcard (postage prepaid).

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the U.S. Patent and Trademark Office, PO Box 2327, Arlington, VA 22202

on Feb 28, 2002

(Date)

Robert Pattison

(Signature)

Robert Pattison

(Printed Name)

1. ☒ This Information Disclosure Statement is filed before the later of:
 - ☐ three months from the filing date of this national application;
 - ☐ three months from the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or
 - ☒ the mailing date of a first office action on the merits.

☒ In accordance with 37 C.F.R. § 1.97(b), no fee is required.
2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 2, but before either:
 - (1) a final action under 37 C.F.R. § 1.113; or
 - (2) a Notice of Allowance under 37 C.F.R. § 1.311.

☐ In accordance with 37 C.F.R. § 1.97(c) also enclosed is:

 - ☐ a fee under 37 C.F.R. § 1.17(p) in the amount of \$240; or
 - ☐ a certification as stated below.
3. ☐ This Information Disclosure statement is filed before the payment of the issue fee, but after either:
 - (1) a final action under 37 C.F.R. § 1.113; or
 - (2) a Notice of Allowance under 37 C.F.R. § 1.311.

☐ In accordance with 37 C.F.R. § 1.97(d) also enclosed is:

 - (1) A certification, as stated below;
 - (2) A Petition requesting consideration of the Information Disclosure Statement; and
 - (3) The petition fee set forth in 37 C.F.R. § 1.17(i)(1) in the amount of \$130.

Certification

The undersigned also states:

- ☐ Each item of information contained in the Information Disclosure Statement cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

The fees indicated above are:

TOTAL FEES: \$

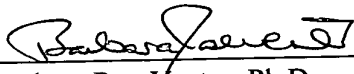
- ☐ A check including the amount of the above-indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 18-0020 in the amount of: \$ _____.
- ☐ A check in the amount of \$ _____ is attached.
- ☒ No fee is required.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 18-0020.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.
- ☒ A duplicate copy of this sheet is attached for accounting purposes.

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ATTORNEY DOCKET NO. WAPH.002.04US

Respectfully submitted,

Dated: February 27, 2002


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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.

Please find enclosed, copies of references A1-A2, C1, D2-4, D6, D9, D12, D14, D19, D25-26, D30-34, D36, D39 and D41 as listed on the PTO-1449. Missing references D1, D5, D7-8, D10-11, D13, D15-18, D20-24, D27-29, D35, D37-38 and D40 will be sent under separate cover.

Applicant makes no representation that a complete search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

CERTIFICATE OF FIRST-CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the U.S. Patent and Trademark Office, PO Box 2327, Arlington, VA 22202

on Feb 28, 2002
(Date)

Robert Pattison
(Signature)

Robert Pattison
(Printed Name)

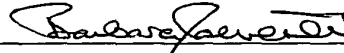
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The subject application is believed patentable over any of the above references.

Respectfully submitted,

Dated: February 29, 2002



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LIST OF PATENTS AND PUBLICATIONS
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MAR 08 2002

TECH CENTER 1600/2900

In re the application of: Indu Parikh, *et al.*

Art Unit: 1632

Serial No. 10/029,551

Examiner:

Filed: December 20, 2001

U.S. PATENT DOCUMENTS

Ref.	Examiner's	Document			Class/	Filing
Desig.	Initials	Number	Date	Name	Subclass	Date
A1		5,587,309	12/1996	Rubin, et al	435/240.2	
A2		5,885,956	3/1999	Nardi, et al	514/2	

PENDING U.S. PATENT DOCUMENTS

Ref.	Examiner's				
Desig.	Initials	Document Number	Name	Filing Date	
B1					

FOREIGN PATENT DOCUMENTS

Ref.	Examiner's	Document			Class/	
Desig.	Initials	Number	Date	Country	Subclass	Filing Date
C1		WO 95/19785	5/1995	PCT		

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref.	Examiner's	
Desig.	Initials	
D1		Baldwin and Zhang, Cancer Research (1992) 52: 2261-2267.

Examiner:

Date Considered:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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In re the application of: Indu Parikh, *et al.*] Art Unit: 1632
Serial No. 10/029,551] Examiner:
Filed: December 20, 2001]

D2 Benhamou et al. (1998 Jun) *Diabetes Metab.* 24(3):215-224. \

D3 Bouwens and Pipeleers (1998) *Diabetologia* 41:629-633.

D4 Brand and Fuller, *J. Biol. Chem.* 263:5341-5347.

D5 Brand et al. *J. Biol. Chem.* 263: 16597-16603, Nov. 1988.

D6 Christiansen et al. (1994 Dec) *J. Endocrinol. Metab.* 79(6):1561-1569.

D7 Durrant et al., *British J. Cancer* (1991) 63: 67-70.

D8 Eck et al. Chapter 5. Goodman & Gilman's *The Pharmacological Basis of Therapeutics*. 9th Ed. McGraw-Hill, 1995.

D9 Fraga et al. (1998 Apr) *Transplantation* 65(8):1060-1066.

D10 Ito et al. *Proc Natl Acad Sci USA*. 81(15): 4662-6, Aug. 1984.

D11 Kappel et al., *Current Opinion in Biotechnology* (1993) 3: 548-553.

D12 Kendall et al. (1996 Jun) *Diabetes Metab.* 22(3):157-163.

D13 Korc, Murray, J. *Clin. Invest.* (Sep. 1993) 92: 1113-1114.

D14 Korsgren et al. (1993) *Ups. J. Med. Sci.* 98(1):39-52.

D15 Ledley et al. *Pharmacological Research*. 13(11): 1595-1614, Nov. 1996.

D16 Merriam Webster's *Collegiate Dictionary*, 10th ed. Merriam-Webster, Inc: Springfield, MA., p. 318, 1997.

D17 Miller et al. *FASEB* 9: 190-199, Feb. 1996.

D18 Mulligan, RC. *Science*. 260: 926.9, May 1993.

D19 Newgard et al. (1997 Jul) *Diabetologia* 40 Suppl. 2:S42-S47.

D20 Ohlsson et al., *Scand. J. Gastroenterol* (1989) 24: 693-704.

D21 Osopkoski et al., *Diabetologia* (Aug. 1996) 39: A63.

D22 Prowse et al., *AJEBAK* (1982) 60(Pt. 6): 619-627.

D23 Rosenberg and Vinik, *Pancreatic Islet Cell Regeneration and Growth* New York: Plenum Press, 1992.

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Sheet 3 of 3

D24	Sandgren et al. Cell. 61: 1121-1135, Jun. 1990.
D25	Sandler et al. (1997 Jun) <i>Transplantation</i> 63(12):1712-1718.
D26	Sasaki et al. (1998 Jun 15) <i>Transplantation</i> 65(11):1510-1512.
D27	Selden et al. Nature. 321: 525-528, May 1986.
D28	Selden et al., Nature (1986) 321: 525-528.
D29	Simeonovic et al., Diabetes Research and Clinical Practice (1990) 8: 275-281.
D30	Soon-Shiong et al. (1990 Jun) <i>Postgrad Med.</i> 87(8):133-134.
D31	Soon-Shiong et al. (1992 Nov) <i>Transplantation</i> 54(5):769-774.
D32	Soon-Shiong et al. (1992 Oct) <i>ASAIO J.</i> 38(4):851-854.
D33	Soon-Shiong et al. (1993 Jun) <i>Proc. Natl. Acad. Sci. USA</i> 90(12):5843-5847.
D34	Soon-Shiong et al. (1994) <i>Lancet</i> 343:950-51.
D35	Strojek and Wagner, Genetic Engineering: Principles and Methods (1988). 10: 221-246.
D36	Suzuki et al. (1998 Jan) <i>Cell Transplant</i> 7(1):47-52.
D37	Verma et al. Nature. 389: 239-242, Sep. 1997.
D38	Wang et al. (1995) <i>Diabetologia</i> 38:1405-1411.
D39	Wang et al., (1993) <i>J. Clin. Invest.</i> 92:1349-1356.
D40	Wang et al., Diabetologia (Aug. 1996) 39: A63.
D41	Zhou et al. (1998 May) <i>Am. J. Physiol.</i> 274(5Pt1):C1356-1362.

Examiner:	Date Considered:
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